



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 199750368

Date: June 24, 2004

Comments Due: July 24, 2004

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and Utah Division of Water Quality are evaluating a permit application to construct the Ballard Industrial Springs Commercial and Industrial Complex, which would result in impacts to approximately 12.7 acres of waters of the United States, including wetlands, adjacent to the Little Bear and Bear Rivers. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/index.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and under Section 401 of the Clean Water Act for water quality certification.

APPLICANT: Jeff Ballard
42 East 2200 North
North Logan, Utah 84341

LOCATION: The project site is located in Logan in Section 16, Township 12 North, Range 1 East, at approximately 600 West and 2200 North, Cache County, Utah, and can be seen on the Smithfield USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a commercial complex to include boat storage facilities, light industry, and office buildings. The applicant's stated project purpose is to provide needed storage, industrial space and office space. The impacts are to 11.9 acres of wet meadow and 0.8 acre of playa. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 20.7 acres of wetlands on this 32.7 acre site. They include 1.3 acres of marsh, 18.5 acres of wet meadow, and 3.2 acres of playa. The site is characterized by sedges (*Carex sp.*) and rushes (*Juncus sp.*). The site is used by Canada geese and occasional waterfowl. North of the site is the Cache Valley Airport and south is a concrete plant. To the east and west are open fields.

Alternatives. The applicant has provided information concerning project alternatives. Attached is a chart showing a list of land development scenarios with #5 being the preferred alternative. Additional information concerning project alternatives is available from the applicant.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to mitigate 1.4 acres on site at a 1:1 ratio. The applicant also proposes to mitigate at a 2:1 ratio off site. The mitigation site is an 80.33 acre parcel that contains 23.24 acres of waters of the United States. The plan is to excavate areas A, B and C to the contours on the attached Amalga Property Wetland Mitigation Map to create 20.59 acres of wetland and 2.34 acres of upland buffer. The on-site water source will be springs and overland flow from a slough that flows to the Clay Slough, a tributary of the Bear River.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is required for this project. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Mr. William O. Moellmer, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before July 24, 2004.

HISTORIC PROPERTIES: Based on the available information, no cultural resources are within the project's area of potential effect.

ENDANGERED SPECIES: The project will not affect any federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the 404(b)(1) guidelines

promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 199750368, must be submitted to the office listed below on or before **July 24, 2004**:

James Thomas, Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: jim.thomas@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Mr. Jim Thomas, 801-295-8380 ext. 18, or jim.thomas@spk.usace.army.mil.

Attachments: 11 attachments